




DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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October 11, 2007

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT
(07171)

FROM:


KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: **INITIATIVE #1281**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**PRESIDENTIAL ELECTORS. ALLOCATION BY NATIONAL
POPULAR VOTE. INTERSTATE AGREEMENT.
STATUTE.**

The proponent of the above-named measure is:

Tom Steyer
c/o Barry Fadem
Fadem & Associates
3527 Mt. Diablo Blvd., #192
Lafayette, CA 94549

PRESIDENTIAL ELECTORS. ALLOCATION BY NATIONAL
POPULAR VOTE. INTERSTATE AGREEMENT.
STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Thursday, 10/11/07
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Thursday, 10/11/07
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a)). Monday, 03/10/08*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elec. Code § 9030(b)).....Thursday, 03/20/08

(If the Proponent files the petition with the county on a date prior to
03/10/08, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the countiesSaturday, 03/29/08**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elec. Code § 9030(d)(e)) Monday, 05/12/08

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

**Date varies based on the date of county receipt.

INITIATIVE #1281
Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 03/29/08, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 763,790 or less than 659,637 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 659,637 and 763,790 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (Elec. Code §§ 9030(f)(g), 9031(a)) Thursday, 05/22/08*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)). Monday, 07/07/08

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 05/22/08, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033) Friday, 07/11/08*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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October 11, 2007

FILED
In the office of the Secretary of State
of the State of California

OCT 11 2007

Debra Bowen
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, CA 95814

Debra Bowen, Secretary of State
By Toni Melton
Deputy Secretary of State

RE: Title and Summary for Initiative No. 07-0048
TITLE: PRESIDENTIAL ELECTORS. ALLOCATION BY NATIONAL POPULAR
VOTE. INTERSTATE AGREEMENT. STATUTE.

Dear Ms. Bowen:

Pursuant to the provisions in sections 336 and 9004 of the Elections Code, enclosed please find a copy of the Title and Summary issued for Initiative Number 07-0048 and text of the proposed measure.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Toni Melton

TONI MELTON
Initiative Secretary

For EDMUND G. BROWN JR.
Attorney General

Enclosures

Proponents' public information:

Tom Steyer
c/o Barry Fadem
Fadem & Associates
3527 Mt. Diablo Blvd., #192
Lafayette, CA 94549

Date: October 11, 2007
Initiative No. 07-0048

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

PRESIDENTIAL ELECTORS. ALLOCATION BY NATIONAL POPULAR VOTE.

INTERSTATE AGREEMENT. STATUTE. Enters California into an interstate agreement to allocate California's electoral votes to the presidential ticket receiving the most popular votes nationwide. Allocates electoral votes based on the national vote only in years when states possessing a majority of total electoral votes (270 of 538) have entered into the agreement.

Maintains California's current system of awarding electoral votes to the statewide popular vote winner in other years. Eliminates \$10 compensation and 5¢ per mile reimbursement of electors. Nullifies competing presidential-electoral initiatives on the ballot that receive fewer votes.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Reduced state expenses of less than \$10,000 every four years. (Initiative 07-0048.)

August 20, 2007

RECEIVED

AUG 21 2007

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Ms. Patricia Galvan
Initiative Coordinator
Attorney General's Office
1300 I Street
Sacramento, CA 95814

Re: The National Popular Vote for President Act—Version 1

Dear Ms. Galvan:

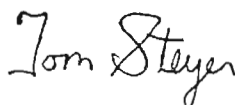
Pursuant to California Elections Code section 9002, I respectfully request that the Attorney General prepare a title and summary for the attached measure. The text of the measure, a check for \$200.00 and the address at which I am registered to vote are enclosed.

Also attached is the acknowledgment of the proponent required by section 9608 of the California Elections Code.

Please direct all correspondence and inquiries regarding this measure to my attorney:

Barry Fadem
Fadem & Associates
3527 Mt. Diablo Blvd., #192
Lafayette, CA 94549

Sincerely,



Tom Steyer

Enclosures

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

THE NATIONAL POPULAR VOTE FOR PRESIDENT ACT

SECTION 1. Title.

This Act shall be known and may be cited as the "National Popular Vote for President Act."

SECTION 2. Findings and Declaration of Purposes.

(a) In electing the President of the United States, the candidate who receives the most votes in all 50 states and the District of Columbia should be elected.

(b) The method for electing the President should not be changed by an individual state acting alone. A change should only be made by states acting together.

(c) Under this Act, California enters into and enacts an agreement with other states called the "Agreement Among the States to Elect the President by National Popular Vote" which would guarantee that the presidential candidate receiving the most votes in all 50 states and the District of Columbia would win the Presidency.

(d) This Act is intended to maintain California's long-standing winner-take-all system for the appointment of presidential electors until such time that the nation changes to a national popular vote as provided in the "Agreement Among the States to Elect the President by National Popular Vote."

(e) This Act eliminates the compensation and travel reimbursement for presidential electors. It is an honor for any voter to serve as a presidential elector and no financial payments are necessary.

(f) This Act is intended to be a comprehensive regulatory scheme concerning the appointment of presidential electors. Therefore, this measure is intended to conflict with any other measure on the same ballot that proposes a different manner of appointing presidential electors.

SECTION 3. Chapter 1.5 (commencing with Section 6920) is added to Part 2 of Division 6 of the Elections Code, to read:

CHAPTER 1.5. VOTING COMPACT

Sec. 6920 The people of the State of California hereby enact and enter into the Agreement Among the States to Elect the President by National Popular Vote as set forth in Section 6921.

Sec. 6921 The provisions of the Agreement Among the States to Elect the President by National Popular Vote are as follows:

Article 1. Membership

Any State of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.

Article 2. Right of the People in Member States to Vote for President and Vice President

Each member state shall conduct a statewide popular election for President and Vice President of the United States.

Article 3. Manner of Appointing Presidential Electors in Member States

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a "national popular vote total" for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the "national popular vote winner."

The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.

The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress.

In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state.

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees.

The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

Article 4. Other Provisions

This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.

Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.

This agreement shall terminate if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

Article 5. Definitions

For purposes of this agreement,

"chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

"chief executive" shall mean the Governor of a State of the United States or the Mayor of the District of Columbia;

"elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

"presidential elector" shall mean an elector for President and Vice President of the United States;

"presidential elector certifying official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors;

"presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

"state" shall mean a State of the United States and the District of Columbia; and

"statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

Sec. 6922 Notwithstanding any other provision of law, the appointment of presidential electors shall be conducted in accordance with the provisions of the Agreement Among the States to Elect the President by National Popular Vote as set forth in Section 6921 in any year in which the Agreement governs the appointment of presidential electors pursuant to clause 9 of Article 3 of that Agreement.

SECTION 4. Section 6902 of the Elections Code is amended to read:

Sec. 6902 (a) At the general election in each leap year, or at any other time as may be prescribed by the laws of the United States, there shall be chosen by the voters of the state as many electors of President and Vice President of the United States as the state is then entitled to.

(b) Except as provided in subdivision (c), a person nominated to be elector shall be appointed if the candidate to whom that person has pledged to vote receives the highest number of popular votes cast in the state.

(c) In those years in which the Agreement Among the States to Elect the President by National Popular Vote as set forth in Section 6921 governs the appointment of electors pursuant to Section 6922, the appointment of electors shall be conducted in accordance with the provisions of Section 6921.

SECTION 5. Section 6909 of the Elections Code is repealed.

~~Sec. 6909 Each presidential elector shall receive ten dollars (\$10) for his or her services, and mileage at the rate of five cents (\$0.05) per mile for each mile of travel from his or her domicile to the State Capitol and return. Their accounts therefor shall be certified by the Secretary of State, and audited by the Controller, who shall draw his or her warrants for the same on the Treasurer, payable out of the General Fund.~~

SECTION 6. Section 15505 of the Elections Code is amended to read:

Sec. 15505 (a) Except as provided in subdivision (b), On the first Monday in the month following the election, or as soon as the results have been received from all the counties in the state, if received before that time, the Secretary of State shall analyze the votes given for presidential electors, and certify to the Governor the names of the proper number of persons having who received the highest number of popular votes cast in the state.

(b) In those years in which the Agreement Among the States to Elect the President by National Popular Vote as set forth in Section 6921 governs the appointment of presidential electors pursuant to Section 6922, the Secretary of State shall analyze the votes given for presidential electors, and certify to the Governor the names of the proper number of persons who are appointed presidential electors in accordance with the provisions of Section 6921.

(c) ~~After performing the duties described in subdivision (a) or (b) above, The Secretary of State shall thereupon issue and transmit to each presidential elector a certificate of election. The certificate shall be accompanied by a notice of the time and place of the meeting of the presidential electors, and a statement that each presidential elector will be entitled to a per diem allowance and mileage in the amounts specified.~~

SECTION 7. Conflicting Measures.

This measure is intended to be a comprehensive regulatory scheme concerning the appointment of presidential electors. Therefore, in the event that this measure and another initiative measure or measures concerning the appointment of presidential electors shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than such conflicting initiative measure or measures, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

SECTION 8. Severability.

If any provision of this Act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

Final